IN RE: PETITION FOR ZONING VARIANCE

DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 89-19-A

Petitioners * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 8 feet in lieu of the required 35 feet, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Mr. Cullum, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 5851 Loreley Beach Road, is zoned R.C.2 and is located in the Chesapeake Bay Critical Areas. Mr. Cullum testified that he proposes constructing a 4' x 40' addition onto the side of the existing dwelling to enlarge three bedrooms and provide closet space for each. The Petitioner testified that the needed storage space cannot be added to the bedrooms in their current condition due to their limited size. Petitioner contends that the addition will present no health, safety or welfare problem to the general public. Furthermore, Mr. Cullum testified that the person most adversely affected, the adjoining property owner, is aware of his plans and is not opposed to this request.

The Petitioners seek relief from Section 1A01.3B.3 pursuant to Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.).

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of July, 1988 that the Petition for Zoning Variance to permit a side yard setback of 8 feet in lieu of the required 35 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

> 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at

> > Date: 6-29-88

this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) Compliance with all requirements of the Department of Environmental Protection and Resource Management as set forth in comments submitted by Karen M. Merrey dated May 16, 1988, and supplemental comments submitted by Robert W. Sheesley dated June 14, 1988, attached hereto and made a part hereof.

> ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

> > #400

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

July 27, 1988



Mr. Ralph W. Cullum 5851 Loreley Beach Road White Marsh, Maryland 21162

RE: PETITION FOR ZONING VARIANCE SW/S Loreley Beach Road, 1330' W of Loreley Beach Road North 11th Election District; 5th Councilmanic District Case No. 89-19-A

Dear Mr. Cullum:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,

a M Naskanawia ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

AMN:bjs Enclosure cc: People's Counsel

CERTIFICATE OF PUBLICATION NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public searing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zorung Variance
Case Namber: 89-19-A
SW/S Loreley Beach Road, 1330
W Loreley Beach Road North
(5851 Loreley Beach Road)
11th Election District
5th Councilmants District

Petitioner(s): Ralph W. Cullum, et ux.

Hearing Date: Wednesday, July 20, 1988 at 10:30 a.m.

Variance to permit a side yard set-back of 8 feet in lieu of the required

is the event that this Petition is

In the event that this rection is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of each permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing and shown or researched at the hear-

set above or presented at the hear-

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper prince and published in Towson, Baltimore County, Md., once in each

33.75

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines Zoning Commissioner

Mr. & Mrs. Relph W. Cullum

5851 Loreley Beach Road White Marsh, Maryland 21162 Res Petition for Zoning Variance

CASE NURBER: 89-19-A SW/S Loreley Beach Road, 1330 W Loreley Beach Road North (5851 Loreley Beach Road) 11th Election District - 5th Councilmanic Petitioner(s): Ralph W. Cullum, et ux HEARING SCHEDULED: MEDNESDAY, JULY 20, 1988 at 10:30 a.m.

Dear Mr. & Mrs. Cullums

Please be advised that £93.00 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND FUST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

VALIDATION OR SIGNATURE OF CASHIER

BEGINNING ON THE WEST SIDE OF LORELEY BEACH ROAD 18 FEET WIDE, AT THE DISTANCE OF 1330 FEET WEST OF THE CENTERLINE OF ALLENDER ROAD. BEING LOT 26, PLAT BOOK 10, FOLIO 8. ALSO KNOWN AS 5851 LORELEY BEACH ROAD IN THE 11th ELECTION DISTRICT.

ZONING DESCRIPTION

Variance from Section 1A01.3.B.3 to permit a side yard setback of 8 feet in lieu of the required 35 feet.

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) 1. The bedrooms on the south side of the house need larger closets. The M.B.R. NES J has one 4 ft. closet for two adults, the 2nd B.R. has a three ft. closet and the 3rd B.R. has no built-in closet at all. 2. The property is 55 ft. wide and the width of the house is 25.6 ft. The 35 ft.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

setback is unreasonable in an area where the properties are old shore homes that need improvements. 3. We request a variance to the RC2 Zoning that will allow us to add up to

P	roperty is to	be post	ed and	above Vari	prescribed by Zoning Regulations ance advertising, posting, etc., upon by the zoning regulations and Law For Baltimore County.	on filing of this
		400		And the Charles	I/We do solemnly deciunder the penalties of per are the legal owner(s) o which is the subject of this	jury, that 1/we If the property
COUNT 01-615	DUCUT \$ 35.00	ANCE ILER	a 503 &F	DONATURE OF CASHIER	Legal Owner(s): Ralph W. Cullum (Type or Print Name) Table W Culle Signature Margaret M. Cullum	MAP NE 9 4C E. D. 11 H DATE Q-9- 200 BF
/3.8	AME (1) CUI	Fee GOR VAR.	ğ	VALIDATION O	(Type or Print Name) Marguet M. Cull Signature 5851 Loreley Beach Road Address	1003 B.F. 1003 B.F. 1003 B.F. 1003 B.F. 1003 B.F. 1003 B.F.

White March, M.D. 21162 Name, address and phone number of legal owner, contract purchaser or representative to be contacted Margaret M. Cullum

291-3417 (work) 5851 Loreley Beach Rd.

, 19 28, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County of Solution County Office Building in Towson, Baltimore County of Solution County Office Building in Towson, Baltimore County of Solution County Office Building in Towson, Baltimore County of Solution County Office Building in Towson, Baltimore County Office Building in Towson Baltimore County Office Build

Zoning Commissioner of Baltimore County ESTIMATED LENGTH OF HEARING -1/2HR. +1HR. AVAILABLE FOR HEARING

MON./IUES./UED. - NEXT THE MONTHS

Please make your check payable to Baltimore County, Maryland and bring Please make your check payable to Baltimore County, Paryland and Stragger it along with the sign(s) and post(s) to the Zoning Office, County Office it along with the sign(s) and post(s) to the Zoning Office, County Office (15) minutes before ALTIMORE COUNTY, MARYLAND and post set(s), there FFICE OF FINANCE - REVENUE DIVISION ISCELLANEOUS CASH RECEIPT , for each set not のにんだっつかっ B 036***** \$302: a \$200-f

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

PUBLICATION

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance CASE NUMBER: 89-19-A Sid/S Loreley Beach Road, 1330 W Loreley Beach Road Horth (5851 Loreley Beach Road) 11th Election District - 5th Councilmenic Petitioner(s): Relph W. Cullum, et ux HEARING SCHEDULED: MEDMESDAY, JULY 20, 1988 at 10:30 a.m.

VARIANCE to permit a mide yard methods of 8 feet in lieu of the required 35 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

cc: Ralph W. Cullum, at ux

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Zoning Commissioner

Zoning Variance

DATE: June 14, 1988

FROM: Mr. Robert W. Sheesley SUBJECT: Ralph W. & Margaret M. Cullum

TO: Mr. J. Robert Haines

RECEIVED ZONING OFFICE
DATE: 7/20/88

Subject property is located on the south side of Loreley Beach Road between Allender Road and Stevens Road. the site is approximately 14,931 square feet with an existing house and garage. The applicant is proposing to construct a 4' x 40' addition on the east side of the house.

This property is within the Chesapeake Bay Critical Area and is classified Limited Development Area.

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding that projects are consistent with the following goals of the Critical Area Law:

- 1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- 2. Conserve fish, wildlife and plant habitat; and
- 3. Establish land use policies for development in the Chesapeake , Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts. [COMAR 14.15.10(0)(1)(2)(3)]

The proposed development will comply with the law provided that the zoning petition is conditioned on compliance with the following require-

- 1) Two major deciduous trees or four conifers or four minor deciduous trees are planted and maintained on the lot. A combination of these three tree types is acceptable provided that 2,000 square feet, of tree cover is provided. A large deciduous tree is estimater to cover 1,000 square feet and a minor deciduous or conifer 500 square feet.
- 2) Storm water run-off from impervious surfaces associated with this petition should be directed over pervious areas such as lawn to encourage maximum infiltration.

IS TO CERI ZONING DEPARTMENT OF BALTIMORE COUNTY 89-19-A Date of Posting 6/29/87 Posted for:

Petitioner: Relph W. Cullanget of

Desch Res. M. - 5851 Lovely Boach Re. 1330' W/forsley

Location of Signer Posting forely Boach Re. pmer, 10' for medway

Location of Signer Posting forely Boach Re. pmer, 10' for medway

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89-19-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 18th day of <u>May</u>, 1988.

VZONING COMMISSIONER

Advisory Committee

LORELEY BEACH RD. BEACH RD. SUBJECT PROPERTY VICINITY MAP

> EXISTING DWELLING

PLAT FOR ZONING VARIENCE OWNER RALPH W. AND MARGARET M. CULLUM DISTRICT 11 ZONED R.C.-2 LOT 26 "PLAT 1 LORELEY BEACH" PLAT BOOK 10, FOLIO 8 SCALE: 1" = 50'

EXISTING

DWELLING

LOT SIZE 14,931 SQ. FT. 1/3 ACRE

RIVER

PUBLIC WATER PRIVATE SEPTIC CHESAPEAKE BAY CRITICAL AREA

Baltimore County
Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204

June 23, 1988



#400

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 399, 400, 402, 404, 405, 406 and 407.

> Very truly yours. Stephen E. Weber, P.E. Assistant Traffic Engineer

SEW/RF/pm1-b

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

Paul H. Reincke

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

Re: Property Owner: Ralph W. Cullum, et ux (CRITICAL AREA)

Location: SW/S Loreley Beach Rd., 1330' W. Loreley Beach Rd. North

Item No.: 400 Zoning Agenda: Meeting of 5/17/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

Fir Prevention Bureau Planning/Group
Special Inspection Division

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 11, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.

Mr. & Mrs. Ralph W. Cullum 5851 Loreley Beach Road White Marsh, Maryland 21162

> RE: Item No. 400 - Case No. 89-19-A Petitioner: Ralph W. Cullum, et ux Petition for Zoning Variance

Bureau of Engineering Department of Traffic Engineering

MEMBERS

State Roads Commission

Bureau of Fire Prevention Health Department Project Planning Building Department Board of Education Zoning Administration Industrial

Dear Mr. & Mrs. Cullum:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Courses & whige this JAMES E. DYER Chairman Zoning Plans Advisory Committee

Enclosures

JED:dt

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROCESSION AND RESOURCE MANAGEMENT

5/11/88

Off Cou	ico	Commissioner of Planning and Zoning Office Building on, Maryland 21204					
Zon	ing	Item # 400, Zoning Advisory Committee Meeting of May 17.1988					
Property Owner: Ralph W. Cullum et ux							
Loc	ati	on: 5W/5 Loreley Beach Rd. District //					
		Supply <u>metro</u> Sewage Disposal <u>private</u>					
COM	MEN	ITS ARE AS FOLLOWS:					
.··		Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.					
. (Prior to new installation/s of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation/s before work begins.					
		A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.					
(A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.					
()	Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Hental Hygiene for review and approval.					
)	Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.					
()	Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.					
• ()	If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.					
)	Prior to razing of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.					
)	Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.					
()	Soil percolation tests, have been, must be, conducted. () The results are valid until () Soil . percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.					
()	Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.					
` ()	In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until () is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.					
()	Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.					
. ()	If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.					
(v	1	Others A field inspection by a representative of this office					
		to determine location and adequacy of sewage disposal					
		system will be required prior to approval of building perait for proposed addition.					

Karen Sh. Merrey

BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

BELTIMORE COUNTY, MAINLAND

INTER-OFFICE CORRESPONDENCE

•	
TO J. Robert Haines	Date June 20, 1988
Zoning Commissioner	

FROM P. David Fields, Director
Office of Planning and Zoning

SUBJECT Zoning Petitions #89-4-A, 89-5-A, 89-14-A, 89-15-A, 89-16-A, 89-17-A, 89-19-A, 89-21-A, 89-23-A, 89-25-A, 89-27-A, 89-28-A, 89-29-A, and 89-34-A

There are no comprehensive planning factors requiring comment on these petitions.

P. David Fields, Director Office of Planning and Zoning

PDF/jat cc: Shirley Hess, People's Counsel J. G. Hoswell Zoning File

cc: Mr. & Mrs. Ralph W. Cullum

DE GETTUED

JUN 23 1988

70NING OFFICE

CPS-008

Memo to Mr. J. Robert Haines June 14, 1988 Page Two

Please contact Mr. David C. Flowers at 494-3980 if you have any

Robert W. Sheesley, Director/
Department of Environmental Protection
and Resource Management

RWS:DCF:tjg